

TITLE: CIB 93-8 Designation of Contracting Officers' Technical Representatives

March 10, 1993

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: DAA/FA, John F. Owens, Procurement Executive

SUBJECT: Designation of Contracting Officers' Technical Representatives

CONTRACT INFORMATION BULLETIN 93-8

The joint A.I.D.-OMB SWAT team recommended that the Administrator ensure that clear lines of contracting authority and accountability are maintained. To assure accountability the recommendation contains a requirement that administrative contracting responsibilities be delegated only to properly trained Project Officers. Project Officer training is currently being developed as part of the implementation of the SWAT team report, but it will be sometime before enough Project Officers have received the training to be able to implement this recommendation fully.

As a first step towards implementing the SWAT team requirement, the assignment of contract administration responsibilities to a Contracting Officer's Technical Representative (COTR) should be formalized. This CIB institutes a new requirement that whenever COTR authority is assigned for a contract of \$100,000 or more, the Contracting Officer must assign specific authority to a Project Officer by name and in writing.

FA/OP has developed a memo which may be used for this purpose. The memo will be signed first by the COTR and then by the Contracting Officer. A fully signed copy of the memo should be sent to the COTR, the Contractor and one maintained in the contract file. A copy of the memo is attached.

The memo covers the responsibilities and limitations of the COTR, and may be modified if appropriate to cover specifics of a particular contract. In the event of an administrative problem, this document should be used for reference.

Attachment: a/s

TO:

FROM: Contracting Officer

SUBJECT: Designation of Contracting Officer's Technical Representative for Contract No. _____

You are hereby designated the Contracting Officer's Technical Representative (COTR) for administration of the subject contract for the purpose of making required inspections and accepting completed work for the Government.

You are authorized by this designation to take any or all action with respect to the following which could lawfully be taken by me as Contracting Officer, except any action specifically prohibited by the terms of the subject Contract:

a) Assure that the Contractor performs the technical requirements of the contract in accordance with the contract terms, conditions, and specifications.

b) Perform or cause to be performed, inspections necessary in connection with a) above and require the Contractor to correct all deficiencies; perform acceptance for the Government.

c) Maintain liaison and direct communications with the Contractor. Written communications with the Contractor and documents shall be signed as "Contracting officer's Technical Representative" with a copy furnished to the Contracting Officer.

d) Issue written interpretations of technical requirements of Government drawings, designs, and specifications.

e) Monitor the Contractor's production or performance progress and notify the Contractor in writing of Deficiencies observed during surveillance, and direct appropriate action to effect correction. Record and report to the Contracting officer incidents of faulty or nonconforming work, delays or problems.

f) Obtain necessary security clearance and appropriate identification if access to Government facilities is Required. If to be provided, ensure that Government furnished property is available when required.

LIMITATIONS: You are not empowered to award, agree to, or sign any contract (including delivery or purchase orders) or modifications thereto, or in any way to obligate the payment of money by the Government. You may not take any action which may impact on contract or delivery order schedules, funds, scope or rate of utilization of LOE. All contractual agreements, commitments, or modifications which

involve prices, quantities, quality, or delivery order schedules shall be made only by the Contracting Officer.

This designation as a Contracting Officer's Technical Representative (COTR) shall remain in effect through the life of the contract unless sooner revoked by the Contracting Officer, and such termination of the designation shall be in writing. If your designation is revoked for any reason before the completion of this contract, turn your records over to the successor COTR or obtain disposition instructions from the Contracting Officer. If you are reassigned or are separated from service, you shall request termination and relief from your duties as COTR from the Contracting Officer sufficiently in advance to permit timely selection and designation of a successor COTR.

You are further required to maintain adequate records to sufficiently describe the performance of your duties as the COTR during the life of this contract and to distribute such records as applicable. As a minimum, the COTR file shall contain the following:

- a. Copy of the COTR designation letter.
- b. Copy of the contract and all modifications thereto.
- c. Copy of correspondence between COTR and Contractor.
- d. Names of technical and administrative personnel assisting the COTR.
- e. Copy of records of COTR inspections and receiving/acceptance documents, invoices, and other Administrative paperwork and correspondence.

You or your designee are required to meet ____**____ with the Contractor and the Contracting Officer concerning performance of items delivered under this contract and any other administration or technical issues. Telephonic reports may be made if no problems are being experienced. Problem areas. should be brought to the immediate attention of the Contracting Officer.

** (Insert appropriate period)

In your absence, you may designate someone to serve as COTR in your place. However, such action to direct an individual to act in your stead shall immediately be communicated to the Contractor and the Contracting Officer.

By signing below you certify that you understand the following:

- a. All personnel engaged in procurement and related activities shall conduct business dealings with contractors in a manner above reproach in every respect and shall protect the U.S. Government's interest, as well as maintain

its reputation for fair and equal dealings with all contractors.

- b. Any COTR who may have direct or indirect financial interests which would place him/her in a position where there is a conflict between private interests and the public interest of the United States shall advise his/her supervisor and the Contracting Officer of the conflict so that appropriate action may be taken. A COTR shall avoid the appearance of such conflict to maintain public confidence in the U.S. Government's conduct of business.

You are required to acknowledge receipt of this appointment on the original copy and return it to the Contracting Officer for retention in the contract file. A copy may be retained by you, and a copy will be given to the Contractor and to you after the Contracting Officer has signed.

CONTRACTING OFFICER

RECEIPT OF THIS APPOINTMENT IS HEREBY ACKNOWLEDGED:

CONTRACTING OFFICER'S TECHNICAL REPRESENTATIVE

DATE